

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,777	OKAMOTO ET AL.	
	Examiner	Art Unit	
	Eric S. DeJong	1631	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/30/2006.
2.  The allowed claim(s) is/are 21-36.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
 Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
 Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

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### **Examiner's Amendment/Comment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants representative Jason Okun on 08 November 2006.

The following Examiner's amendments in the instant application is intended to clarify the language of the claimed invention and is not intended to alter the scope or subject matter of the claimed invention.

The claims of the instant application have been amended as set forth below:

Claim 21 has been amended as follows:

In line 2 of claim 21, following the recitation of the term "information" the phrase "in relation to" has been deleted and the term --from-- has been inserted therefor.

In line 3 of claim 21, following the recitation of the phrase "disposed on" the term "a" has been deleted and the term --the-- has been inserted therefor.

In line 6 of claim 21, following the term "irradiating" the phrase --the surface with-- has been inserted.

In line 6 of claim 21, following the phrase "positions of the surface" the term "of" has been deleted.

In the beginning of line 7 of claim 21, the phase "the device" has been deleted.

In line 12 of claim 21, following the phrase "irradiating the" the phrase --surface with the-- has been inserted.

Claim 22 has been amended as follows:

In line 2 of claim 22, following the recitation of the term "information" the phrase "in relation to" has been deleted and the term --from-- has been inserted therefor.

In line 3 of claim 22, following the recitation of the phrase "disposed on" the term "a" has been deleted and the term --the-- has been inserted therefor.

In line 6 of claim 22, following the term "irradiating" the phrase --the surface with-- has been inserted.

In line 6 of claim 22, following the phrase "positions of the surface" the term "of" has been deleted.

In the beginning of line 7 of claim 22, the phase "the device" has been deleted.

In line 13 of claim 22, following the phrase "irradiating the" the phrase --surface with the-- has been inserted.

Claim 23 has been amended as follows:

In line 2 of claim 23, following the recitation of the term "information" the phrase "in relation to" has been deleted and the term --from-- has been inserted therefor.

In line 3 of claim 23, following the recitation of the phrase "disposed on" the term "a" has been deleted and the term --the-- has been inserted therefor.

In line 6 of claim 23, following the term "irradiating" the phrase --the surface with a-- has been inserted.

In line 6 of claim 23, following the phrase "on the surface" the term "of the device" has been deleted.

In line 12 of claim 23, following the phrase "irradiating the" the phrase --surface with the-- has been inserted.

Claim 24 has been amended as follows:

In line 2 of claim 24, following the recitation of the term "information" the phrase "in relation to" has been deleted and the term --from-- has been inserted therefor.

In line 3 of claim 24, following the recitation of the phrase "disposed on" the term "a" has been deleted and the term --the-- has been inserted therefor.

In line 6 of claim 24, following the term "irradiating" the phrase --the surface with a-- has been inserted.

In line 6 of claim 24, following the phrase "on the surface" the term "of the device" has been deleted.

In line 13 of claim 24, following the phrase "irradiating the" the phrase --surface with the-- has been inserted.

Claim 25 has been amended as follows:

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In line 2 of claim 25, following the phrase "gold ion" the phrase "(Au<sup>+</sup>, Au<sub>2</sub><sup>+</sup>, Au<sub>3</sub><sup>+</sup>)" has been deleted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric S. DeJong whose telephone number is (571) 272-6099. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDJ



*John S. Brusca 9 November 2006*  
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PRIMARY EXAMINER